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OFFICE OF PETITIONS

In re Patent No. 6,796,570	:	
Issue Date: September 28, 2004	:	
Application No. 10/724,388	:	ON PETITION
Filed: November 18, 2003	:	
Patentee(s): Hung-Shen Chang	:	

This is a decision on the petition under 37 CFR 1.182, filed by facsimile transmission on March 23, 2006 and supplemented on May 18, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition under 37 CFR 1.181 is **DISMISSED**.

Petitioner states that the applicant never received the Letters Patent. Petitioner further states that, "the applicant does not maintain a docket or postal record."

A review of the record indicates no irregularity in the mailing of the Letters Patent, and, in the absence of any irregularity there is a strong presumption that the Letters Patent was properly mailed to the address of record at that time; i.e., Hung-Shen Chang, 58 Ma Yuan West Street, Taichung, Taiwan.

This presumption may be overcome by showing that the Letters Patent was not in fact received. As inventors are acting pro se, the Office understands that they may not keep a formal docket record system for their correspondence. Nevertheless, the inventor must provide some sort of showing explaining the manner in which he receives mail from the USPTO, maintain files for patent matters, and how he treats mail received for such patent matters. Additionally, the inventor should provide evidence that he received mail at the 58 Ma Yuan West Street, Taichung, Taiwan, address around the period that the Letters Patent would have arrived. In this regard, the inventor should include any available documentary evidence of mail received, covering a reasonable period after September 28, 2004, to demonstrate nonreceipt of the Letters Patent. Additionally, the inventor must include a statement from any other person at the mailing address at the time, who would have had access to the inventor's mail and who would have personal knowledge of the nonreceipt of mail from the USPTO around the period the Letters Patent was mailed. Further, a statement should be provided that a search of the mailing residence was conducted but that the Letters Patent was not found. Lastly, the inventor must state that the 58 Ma Yuan West Street, Taichung, Taiwan, address was a viable address at the time of mailing of the Letters Patent.

If petitioner is unable to provide the required evidence to support a showing of nonreceipt of the Letters Patent, petitioners may wish to consider filing a petition under 37 CFR 1.182 (no showing required for nonreceipt), requesting issuance of a duplicate Letters Patent and submit the required petition fee of \$400.

The Power of Attorney filed on March 23, 2006 has been accepted and made of record.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions